

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L.  
Madoff Investment Securities LLC and the Chapter  
7 Estate of Bernard L. Madoff,

Plaintiff,

v.

BNP PARIBAS S.A., *et al.*,

Defendants.

Adv. Pro. No. 12-01576 (CGM)

**STIPULATION AND ORDER  
CONCERNING TRUSTEE'S SECOND AMENDED COMPLAINT**

Plaintiff Irving H. Picard (the "Trustee"), as trustee of the substantively consolidated liquidation proceeding of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et seq.*, and the chapter 7 estate of Bernard L. Madoff, and defendants BGL BNP Paribas Luxembourg S.A., BNP Paribas (Suisse) S.A., BNP Paribas S.A., BNP Paribas Arbitrage SNC, BNP Paribas Bank & Trust (Cayman) Limited

(collectively, “Defendants” and, together with the Trustee, the “Parties”), by and through their respective undersigned counsel, state as follows:

**WHEREAS**, on March 14, 2023, the Bankruptcy Court entered a Stipulation and Order concerning leave for the Trustee to file a second amended complaint in this action, providing, among other things, that if Defendants consent to the Trustee’s filing of a second amended complaint, a subsequent stipulation and order would be filed memorializing same. *Picard v. BNP Paribas*, Adv. Pro. No. 12-01576 (CGM) (Bankr. S.D.N.Y. Mar. 14, 2023), ECF No. 189 (the “Stipulation Regarding Leave”);

**WHEREAS**, pursuant to the Stipulation Regarding Leave, the Trustee provided a copy of the proposed Second Amended Complaint on April 12, 2023; and

**WHEREAS**, Defendants consented to the Trustee’s filing of the proposed Second Amended Complaint on May 12, 2023;

**IT IS HEREBY STIPULATED AND AGREED**, by and among the Parties, and **SO ORDERED** by the Court that:

1. The Trustee shall file the proposed Second Amended Complaint, attached as Exhibit 1, upon entry of this Stipulation and Order.
2. Defendants shall answer, move, or otherwise respond to the Second Amended Complaint within 60 days of the filing of the Second Amended Complaint.
3. To the extent Defendants’ response takes the form of a motion to dismiss, the Trustee shall respond to the motion within 60 days, and Defendants will file any reply brief in support of the motion within 30 days thereafter.
4. The deadlines established herein are without prejudice to either Party seeking further extensions of time; and

5. For the avoidance of doubt, all Parties' rights, arguments, objections, and defenses including, without limitation, in respect of personal jurisdiction and any attempted service of the Second Amended Complaint, are not modified, impaired, or otherwise affected in any way by this stipulation and are expressly preserved.

Dated: May 25, 2023  
New York, New York

By: /s/ Torello H. Calvani  
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Madoff Investment Securities LLC and the  
Chapter 7 Estate of Bernard L. Madoff*

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*Attorneys for Defendants*

Dated: May 25, 2023  
Poughkeepsie, New York



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris**  
**U.S. Bankruptcy Judge**